

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: GERMAIN W. JOYNER  
GERMAIN JOYNER, GERMAIN WILLIAM  
JOYNER

CHAPTER 13

Debtor(s)

CASE NO: 5-19-04208-MJC

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

vs.

GERMAIN W. JOYNER  
GERMAIN JOYNER, GERMAIN WILLIAM  
JOYNER

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on March 15, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale, Esquire, and moves this Honorable Court for Dismissal, a statement of which follows:

1. Debtor(s) filed the above case on September 30, 2019.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates – **09/07/2021, 12/16/2021, 10/05/2022**
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 3 months in default with arrearages of \$1,200.00, along with their current regular monthly payment of \$400.00, through March 15, 2023. The total arrearage amount therefore due is **\$1,600.00**

6. The non-payment of Debtor's plan obligation is
  - a. a material default with respect to the confirmed plan; and
  - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Dated: March 15, 2023

Respectfully submitted,

/s/ Agatha R. McHale, Esquire  
ID: 47613  
Attorney for Movant  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
Suite A, 8125 Adams Drive  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: amchale@pamd13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. Mchale, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

April 13, 2023 at 10:00 AM  
U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the U.S. Bankruptcy Court.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.**

Dated: March 15, 2023

Respectfully submitted

/s/ Agatha R. McHale, Esquire  
ID: 47613  
Attorney for Movant  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
Suite A, 8125 Adams Drive  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email:info@pamd13trustee.com

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on March 15, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail from Hummelstown, PA, unless served electronically.

Served Electronically

VINCENT RUBINO, ESQUIRE  
712 MONROE STREET  
P.O. BOX 511  
STROUDSBURG PA 18360-0511

UNITED STATES TRUSTEE  
SUITE 1190  
228 WALNUT STREET  
HARRISBURG, PA 17101

Served by First Class Mail

GERMAIN W. JOYNER  
3132 PINE VALLEY WAY  
EAST STROUDSBURG PA 18302-6703

I certify under penalty of perjury that the foregoing is true and correct.

Date: March 15, 2023

/s/ Matt Arcuri

Office of the Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: info@pamd13trustee.com

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: **GERMAIN W. JOYNER  
GERMAIN JOYNER, GERMAIN WILLIAM  
JOYNER**

**CHAPTER 13**

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**JACK N. ZAHAROPOULOS**

**CHAPTER 13 TRUSTEE**

**Movant**

**vs.**

**GERMAIN W. JOYNER**

**GERMAIN JOYNER, GERMAIN**

**WILLIAM JOYNER**

Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.